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Co-Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

IN RE ACCURAY, INC. SHAREHOLDER)
 DERIVATIVE LITIGATION)

Lead Case No. C 09 05580 CW

This Document Relates To:

ALL ACTIONS

STIPULATION AND ORDER MODIFYING
 THE BRIEFING SCHEDULE ON
 DEFENDANTS' MOTION TO DISMISS
 AND MOTION TO STAY **AS MODIFIED**

1 WHEREAS, there are presently three related shareholder derivative actions against certain of
2 the officers and directors of Accuray, Inc. on file in this Court;

3 WHEREAS, on December 23, 2009, the Court entered an order consolidating the three
4 derivative actions, setting a briefing schedule, and setting a hearing for the motions on April 29,
5 2010;

6 WHEREAS, the current briefing schedule on defendants' anticipated motions is as follows:

- 7 • Defendants shall file their motions by January 14, 2010;
- 8 • Plaintiffs shall file their oppositions to the motions by January 28, 2010; and
- 9 • Defendants shall file their replies by February 4, 2010;

10 WHEREAS, without affecting the April 29 hearing date set by the Court, the parties desire to
11 extend the briefing on the motions as follows:

- 12 • Defendants shall file their motions by February 5, 2010;
- 13 • Plaintiffs shall file their oppositions to the motions by March 19, 2010; and
- 14 • Defendants shall file their replies by April 8, 2010.

15 WHEREAS, the April 29, 2010 hearing date will remain unchanged;

16 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by plaintiffs and
17 defendants, through their respective counsel of record, as follows:

- 18 1. Defendants shall file their motions by February 5, 2010;
- 19 2. Plaintiffs shall file their oppositions to the motions by March 19, 2010; and
- 20 3. Defendants shall file their replies by April 8, 2010.

21 DATED: January 7, 2010

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DATED: January 7, 2010

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I, Marc M. Umeda, am the ECF User whose ID and password are being used to file this
Stipulation and [Proposed] Order Modifying the Briefing Schedule on Defendants' Motion to
Dismiss and Motion to Stay. In compliance with General Order No. 45, X.B., I hereby attest that
Ignacio E. Salceda has concurred in this filing.

s/ Marc M. Umeda
MARC M. UMEDA

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED, **except that Defendants shall file a single consolidated motion, Plaintiffs a single consolidated opposition, and Defendants a single consolidated reply.**

1/11/10



DATED

HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE